

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No: 3:08-CV-336**

UBISOFT, INC. and UBISOFT)
ENTERTAINMENT, S.A.,)
)
Plaintiffs,)
)
v.)
)
OPTICAL EXPERTS)
MANUFACTURING, INC.,)
)
Defendant.)
)
)
_____)

**ORDER MODIFYING
CASE MANAGEMENT ORDER**

THIS MATTER is before the Court on the parties' Joint Motion to Amend the Case Management Order (Doc. No. 17). For the reasons stated in the parties' Motion and after conferring with the chambers of the District Judge to whom this case is assigned (the Honorable Frank D. Whitney), it is **GRANTED**.

The deadlines for expert reports, discovery completion, and filing and hearing dispositive motions are extended as set forth below, and the dates for the Final Pre-Trial Conference and Trial are rescheduled as set forth below. Additionally, the number of deposition hours allowed for each party is amended as shown below. Unless expressly amended or modified below, all sections, subsections, terms and requirements of the original Case Management Order (Doc. No. 17) shall remain in place.

MODIFIED DEADLINES AT A GLANCE

Plaintiff's Expert Report:	April 2, 2009
Defendant's Expert Report:	May 2, 2009
Discovery Completion:	June 1, 2009
Dispositive Motions Filed:	June 30, 2009
Dispositive Motions Heard:	Week of August 4, 2009
Final Pre-Trial Conference:	Week of August 24, 2009
Trial Setting:	September 14, 2009 Term of Court

1. DISCOVERY

- b. Deadline for Completion of All Discovery; Extensions.** All discovery shall be commenced or served in time to be completed by **June 1, 2009.**
- b. Discovery Guidelines.** Each party may propound no more than fifty (50) hours of oral deposition.
- e. Expert Reports.** Reports from retained experts under Rule 26(a)(2) shall be due from the Plaintiff no later than **APRIL 2, 2009** and from the Defendant no later than **MAY 2, 2009.**

3. MOTIONS

- a. All dispositive and other pretrial motions except for motions to continue and motions *in limine* shall be filed no later than JUNE 30, 2009. Parties may not extend these deadlines by agreement and**

stipulated extensions of the deadline for completion of all discovery will not alter the motions deadline.

c. Hearings.

- i. Scheduling.** Counsel should expect that the calendaring of dispositive motions for hearing will be the general rule, not the exception, as an accommodation for the Court's strict page limits. In this case, oral arguments on dispositive motions will be held during the week of AUGUST 4, 2009, unless, upon reviewing the briefs, the Court in its discretion deems oral argument unnecessary. Deputy Clerk Candace Cochran (Tel: 704.350.7402) will assist the Court and counsel in setting a specific time and date during the designated week and should be counsel's point of contact for that purpose.

4. PRETRIAL AND TRIAL PROCEDURES

- a. Trial.** This case shall be tried with a jury. Counsel should be prepared to proceed to trial at the first available mixed term of court commencing on or after SEPTEMBER 14, 2009. Trial is anticipated to last 10-12 days.
- b. Final Pretrial Conference.** A final pretrial conference shall set during the week AUGUST 24, 2009, at a date and time to be noticed by the Court. On or before the date of the final pretrial conference, counsel shall seriously revisit the possibility of settlement and be prepared at conference to inform the Court of the parties' efforts.

SO ORDERED.

Signed: January 27, 2009

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

